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EXAMINER

PAULA, CESAR B

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,945	<b>Applicant(s)</b> PASQUALI, SANDRO	
	<b>Examiner</b> CESAR B. PAULA	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 48-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/31/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the IDS and RCE amendment filed on 12/31/2008.

**This action is made Non-Final.**

2. In the amendment, claims 1-47 have been canceled. Claims 48-87 have been added, and are pending in the case. Claims 48, 60, 65, 70, and 78 are independent claims.

#### ***Priority***

3. Acknowledgment is made of Applicant's claim for domestic priority under 35 U.S.C. 120 is acknowledged based on application #s 09/34,297, filed on 1/21/1999, 09/843,130, filed on 4/26/2001, and 10/252,907, filed on 9/23/2002.

#### ***Drawings***

4. The drawings filed on 9/29/2003 have been accepted by the Examiner.

#### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re*

Art Unit: 2178

Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. All previous double patenting rejections have been withdrawn as necessitated by the cancellation of claims 1-47.

7. Claims 48-54, 56, 57(web browser), 59(resize), 60-63, 65-73, 78-81, and 86-87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of prior U.S. Patent No. **6,658,419 B2, hereinafter 419**. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of the claims of the instant application are contained in the claims of the 419 patent.

8. Claims 48-54, 59(resize), 60-63, 65-73, 78-81, and 86-87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, and claims 56-57 over claims 10, and 4 respectively of prior U.S. Patent No. **6,535,882 B2, hereinafter 882**. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of the claims of the instant application are contained in the claims of the 882 patent.

Art Unit: 2178

9. Claims 48-54, 59(resize), 60-63, 65-73, 78-81, and 86-87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, and claims 56-57 over claims 10, and 4 respectively of prior U.S. Patent No. **6,434,563 B1, hereinafter 563.** Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of the claims of the instant application are contained in the claims of the 563 patent.

10. Claims 48-54, 60-63, 65-73, 78-81, and 86-87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, and claims 56-59 over claims 5, 7, and 12-13 respectively of prior U.S. Patent No. **6,272,493 B1, hereinafter 493.** Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of the claims of the instant application are contained in the claims of the 493 patent.

11. Claims 48-54, 59(resize), 60-63, 65-73, 78-81, and 86-87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, and claims 56-57, 74, 76-77, 82, and 84 over claims 2, 8, 5, 6, 6, 6, and 6 respectively of prior U.S. Patent No. **6,636,856 B2, hereinafter 856.** Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of the claims of the instant application are contained in the claims of the 856 patent.

Art Unit: 2178

12. Claims 55, 58, and 74-77 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. **6,658,419 B2**, hereinafter 419, in view of Lemay et al, "Laura Lemay's Web Workshop JavaScript", hereinafter Javascript, Sams.net, 1996, pp.10-11, 172-186, 227-231.

Regarding claim 55, which depends on claim 48, 419 fails to teach *a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

However, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and exclusively rotates the advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228, fig.9.1-9.2. 12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage. It would have been obvious to one of ordinary skill in the art to combine 419, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 58, which depends on claim 48, 419 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 419, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 74, which depends on claim 70, 419 fails to teach *instructions are HTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 419, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 75, which depends on claim 74, 419 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 419, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.

Regarding claim 76-77, which depends on claims 74, and 70, 419 fails to teach *instructions are Javascript*. Javascript discloses outputting or displaying web pages frame windows using Javascript on the web browser-- (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 419, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

13. Claims 1255, 58, and 74-77 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of 882, in view of Javascript.

Regarding claim 55, which depends on claim 48, 882 fails to teach *a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

However, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and exclusively rotates the advertisement banners in a web page displayed in a browser window. The



Art Unit: 2178

banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228, fig.9.1-9.2. 12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage. It would have been obvious to one of ordinary skill in the art to combine 882, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 58, which depends on claim 48, 882 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 882, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 74, which depends on claim 70, 882 fails to teach *instructions are HTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 882, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Art Unit: 2178

Regarding claim 75, which depends on claim 74, 882 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 882, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.

Regarding claim 76-77, which depends on claims 74, and 70, 882 fails to teach *instructions are Javascript*. Javascript discloses outputting or displaying web pages frame windows using Javascript on the web browser-- (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 882, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

14. Claims 55, 58, and 74-77 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of 493, in view of Javascript.

Regarding claim 55, which depends on claim 48, 493 fails to teach *a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software*

Art Unit: 2178

*system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

However, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and exclusively rotates the advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228, fig.9.1-9.2. 12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage. It would have been obvious to one of ordinary skill in the art to combine 493, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 58, which depends on claim 48, 493 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 493, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Art Unit: 2178

Regarding claim 74, which depends on claim 70, 493 fails to teach *instructions are HTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 493, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 75, which depends on claim 74, 493 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 493, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.

Regarding claim 76-77, which depends on claims 74, and 70, 493 fails to teach *instructions are Javascript*. Javascript discloses outputting or displaying web pages frame windows using Javascript on the web browser-- (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 493, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Art Unit: 2178

15. Claims 55, 58, and 74-77 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of 563, in view of Javascript.

Regarding claim 55, which depends on claim 48, 563 fails to teach *a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

However, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and exclusively rotates the advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228, fig.9.1-9.2. 12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage. It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Art Unit: 2178

Regarding claim 58, which depends on claim 48, 563 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 74, which depends on claim 70, 563 fails to teach *instructions are HTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 75, which depends on claim 74, 563 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.

Art Unit: 2178

Regarding claim 76-77, which depends on claims 74, and 70, 563 fails to teach *instructions are Javascript*. Javascript discloses outputting or displaying web pages frame windows using Javascript on the web browser-- (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

16. Claims 55, 58, and 75 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of 856, in view of Javascript.

Regarding claim 55, which depends on claim 48, 856 fails to teach *a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

However, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and exclusively rotates the advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228,

Art Unit: 2178

fig.9.1-9.2. 12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage. It would have been obvious to one of ordinary skill in the art to combine 856, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 58, which depends on claim 48, 856 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 856, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 75, which depends on claim 74, 856 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 856, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.



Art Unit: 2178

17. Claims 48-54, 56, 59(resize), 60-63, 65-73, 78-81, and 86-87 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 51, and claim 57 unpatentable over claim 54 of copending Application No.

**09/838,927, hereinafter 927.** Although the conflicting claims are not identical, they are not patentably distinct from each other because they embody substantially equivalent limitations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

18. Claims 55, 58, and 74-77 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 51 of U.S. Application No., in view of Javascript.

Regarding claim 55, which depends on claim 48, 927 fails to teach *a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

However, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and

Art Unit: 2178

exclusively rotates the advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228, fig.9.1-9.2. 12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage. It would have been obvious to one of ordinary skill in the art to combine 927, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 58, which depends on claim 48, 927 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 927, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 74, which depends on claim 70, 927 fails to teach *instructions are HTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 927, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Art Unit: 2178

Regarding claim 75, which depends on claim 74, 927 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 927, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.

Regarding claim 76-77, which depends on claims 74, and 70, 927 fails to teach *instructions are Javascript*. Javascript discloses outputting or displaying web pages frame windows using Javascript on the web browser-- (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 927, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

This is a provisional obviousness-type double patenting rejection.

19. Claims 48-56, 60-63, 65-73, 78-81, and 86-87 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 51, and claim 57 unpatentable over claim 26, and claim 59 rejected over claim 41 of copending Application No. **11/188,764, hereinafter 764**. Although the conflicting claims are not identical,

Art Unit: 2178

they are not patentably distinct from each other because they embody substantially equivalent limitations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

20. Claims 55, 58, and 74-77 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 51 of U.S. Application No., in view of Javascript.

Regarding claim 58, which depends on claim 48, 563 fails to teach *the at least one information display comprises a plurality of tiled information displays*. Javascript discloses tiling the frames within a web browser (pages 172-175, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 74, which depends on claim 70, 563 fails to teach *instructions are HTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

Regarding claim 75, which depends on claim 74, 563 fails to teach *instructions are DHTML*. Javascript discloses outputting or displaying web pages, written in HTML, frame windows using the script on the web browser (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time using the powerful features and flexibility of DHTML.

Regarding claim 76-77, which depends on claims 74, and 70, 563 fails to teach *instructions are Javascript*. Javascript discloses outputting or displaying web pages frame windows using Javascript on the web browser-- (page 11, listing 1.2, pages 172-173, fig.9.1-9.2). It would have been obvious to one of ordinary skill in the art to combine 563, and Javascript, because Javascript teaches creating multiwindow documents that interact with each other in new ways (page 180, parag. 4-5). This makes it easier to view multiple documents at the same time.

This is a provisional obviousness-type double patenting rejection.

### ***Claim Rejections - 35 USC § 102***

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2178

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. Claims 48-49, 54-74, 76-82, 84, and 86-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemay et al, "Laura Lemay's Web Workshop JavaScript", hereinafter Javascript, Sams.net, 1996, pp.10-11, 172-186, 227-231.

Regarding independent claim 48, Javascript discloses a server that sends (and stores) to a browser over the Web, the contents of a web page, which includes a script (page 11, listing 1.2)-- *a processor-based server system configured to transmit, via an electronic data network, a software system to a web browser client operating within a data processing system; a storage device associated with said processor-based server system for storing said software system.*

Furthermore, Javascript discloses using the received script for dynamically, and exclusively rotating advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage-- *wherein said software system is operable to produce at least one information display within a web browser window of said web browser client when said software system is received and processed by said web browser client; and wherein said software system is operable to output information, downloaded from a network source by said web browser client via said electronic data network, within said at least one information display within said web browser window without requiring a refresh of said web browser window in its entirety.*

Regarding claim 49, which depends on claim 48, Javascript discloses the script containing data defining variables, functions, etc., for displaying and rotating the banners on a selected location on the browser window (pages 227-228, listing, and fig. 12.4)-- *wherein said at least one information display is associated with a respective set of controllable attributes configured to affect appearance of the corresponding information display within said web browser window.*

Regarding claim 54, which depends on claim 48, Javascript discloses using the received script for dynamically, and exclusively rotating advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage-- *without requiring all information received from one or more network data sources that is being displayed in said browser window to be refreshed from said one or more network data sources.*

Regarding claim 55, which depends on claim 48, Javascript discloses outputting or displaying web page data into individual frame windows on the web browser using the script. Each of the frames displays a different document from different sources having a different url, such as sponsors. The script dynamically, and exclusively rotates the advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (pages 172-173, 227-228, fig.9.1-9.2. 12.4). In other words, the script

Art Unit: 2178

only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage-- *wherein said software system is operable to output information, downloaded from a first network data source by said web browser client via said electronic data network, within a first one of said two information displays; wherein said software system is operable to output information, downloaded from a second network data source by said web browser client via said electronic data network, within a second one of said two information displays; and wherein said software system is operable to dynamically output said first information to said first one of the two information displays without requiring said second information being output to the second one of the two information displays to be refreshed from said second network data source.*

Regarding claim 56, which depends on claim 55, Javascript discloses outputting or displaying web page data, received from a server (streamed) over the Web, into individual frame windows on the web browser using the script (pages 11, 172-173, 227-228, fig.9.1-9.2. 12.4)-- *the electronic data network is the Internet.*

Regarding claim 57, which depends on claim 48, Javascript discloses outputting or displaying web page data, received over the Web, into individual frame windows on the web browser using the script (pages 11, 172-173, 227-228, fig.9.1-9.2. 12.4)-- *the electronic data network is the Internet.*



Art Unit: 2178

Regarding claim 58, which depends on claim 48, Javascript discloses outputting or displaying web page data into individual frame windows displayed on a tile format on the web browser using the script (pages 172-173, fig.9.1-9.2.)-- *said at least one information display comprises a plurality of tiled information displays.*

Regarding claim 59, which depends on claim 48, Javascript discloses moving or dragging the dividing lines of frames within a web browser (page 173, parag.1)-- *said at least one information display is a draggable information display.*

Claims 60-64 are directed towards a method for implementing the system found in claims 48, 54, 49-50, and 57 respectively, and therefore are similarly rejected.

Claims 65, 67-69 are directed towards a network client with one or more networked data sources for implementing the system found in claims 48, 49-50, and 54 respectively, and therefore are similarly rejected.

Regarding claim 66, which depends on claim 65, Javascript discloses using the script received(streamed), from the server, for dynamically, and exclusively rotating advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4). In other words, the script only updates and rotates the ad banners without having to also update or refresh the text in the rest of the webpage— *said processing engine is configured to dynamically display*

Art Unit: 2178

*in said one of said information displays information being streamed from said one or more network data sources without requiring a refresh of information displayed in any other information displays from said one or more network data sources.*

Claims 70-73 are directed towards a computer readable medium for storing and implementing the system found in claims 48, 66, 55, and 49 respectively and therefore are similarly rejected.

Regarding claim 74, which depends on claim 70, Javascript discloses using the script, formatted in html code, for dynamically, and exclusively rotating advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4)—*said instructions are hyper-text mark-up language instructions (HTML).*

Regarding claim 76, which depends on claim 74, Javascript discloses using the Javascript, formatted in html code, for dynamically, and exclusively rotating advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4)— *wherein at least a portion of said instructions are JAVA script instructions.*

Regarding claim 77, which depends on claim 70, Javascript discloses using the script, formatted in html code, for dynamically, and exclusively rotating advertisement banners in a web

Art Unit: 2178

page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4)— *wherein said instructions are JAVA script instructions.*

Claims 78-82, 84 are directed towards a software system for implementing the system found in claims 48, 56, 56, 49, 74, and 76 respectively, and therefore are similarly rejected.

Regarding claims 86-87, which depends on claim 78, Javascript discloses a server that sends the contents of a web page, which includes a script, to a browser over the Web, as a result of a user's request (page 11, listing 1.2).

### ***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 50-53, 63, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript as applied to claim 49 above, and further in view of Gibson (USPat.# 6313854 B1, 11/2001, filed on 10/16/1998).

Regarding claim 50, which depends on claim 49, Javascript discloses the script containing data defining variables, functions, etc., for using and rotating the banners on a

Art Unit: 2178

selected location on the browser window (pages 227-228, 172-173fig. 12.4). Javascript fails to explicitly teach *said controllable attributes associated with a respective one of said at least one information display permit said respective information display to be moved within said web browser window*. However, Gibson teaches minimizing, maximizing, and even closing frame windows displayed in a browser window (col.4, line 56-col.5, line 12, col.8, lines 14-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Javascript and Gibson, because of all the reasons found in Gibson including giving the user more control over information frames displayed to the user without unduly increasing the visual complexity (col.4, lines 36-43).

Regarding claim 51, which depends on claim 49, Javascript discloses the script containing data defining variables, functions, etc., for using and rotating the banners on a selected location on the browser window (pages 227-228, 172-173fig. 12.4). Javascript fails to explicitly teach *said controllable attributes associated with a respective one of said at least one information display permit said respective information display to be resized within said web browser window*. However, Gibson teaches individually resizing, minimizing, maximizing, and even closing frame windows displayed in a browser window (col.4, line 56-col.5, line 12, col.8, lines 14-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Javascript and Gibson, because of all the reasons found in Gibson including giving the user more control over information frames displayed to the user without unduly increasing the visual complexity (col.4, lines 36-43).

Art Unit: 2178

Regarding claim 52, which depends on claim 49, Javascript discloses the script containing data defining variables, functions, etc., for using and rotating the banners on a selected location on the browser window (pages 227-228, 172-173fig. 12.4). Javascript fails to explicitly teach *said controllable attributes associated with a respective one of said at least one information display permit said respective information display to be minimized within said web browser window*. However, Gibson teaches minimizing, maximizing, and even closing frame windows displayed in a browser window (col.4, line 56-col.5, line 12, col.8, lines 14-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Javascript and Gibson, because of all the reasons found in Gibson including giving the user more control over information frames displayed to the user without unduly increasing the visual complexity (col.4, lines 36-43).

Regarding claim 53, which depends on claim 49, Javascript discloses the script containing data defining variables, functions, etc., for using and rotating the banners on a selected location on the browser window (pages 227-228, 172-173fig. 12.4). Javascript fails to explicitly teach *said controllable attributes associated with a respective one of said at least one information display permit said respective information display to be maximized within said web browser window*. However, Gibson teaches minimizing, maximizing, and even closing frame windows displayed in a browser window (col.4, line 56-col.5, line 12, col.8, lines 14-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Javascript and Gibson, because of all the reasons found in Gibson including giving the user more control over information frames displayed to the user without unduly increasing the

Art Unit: 2178

visual complexity (col.4, lines 36-43).

Claim 63 is directed towards a method for implementing the system found in claim 50, and therefore is similarly rejected.

Claim 68 is directed towards a network client with one or more networked data sources for implementing the system found in claim 50, and therefore is similarly rejected.

25. Claims 75, 83 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript.

Regarding claims 75, and 83, which depend on claims 74, and 82, Javascript discloses using the script, formatted in html code, for dynamically, and exclusively rotating advertisement banners in a web page displayed in a browser window. The banners are located in a certain portion of the webpage in the browser (page 11, listing 1.2, pages 227-228, fig.12.4). Javascript fails to explicitly teach *wherein at least a portion of said instructions are dynamic hyper-text mark-up language instructions (DHTML)* . However, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize DHTML, because would have provided dynamic presentation of webpages using the power and flexibility of DHTML.

Claim 85 is directed towards a software system for implementing the system found in claim 77, and therefore is similarly rejected.

***Response to Arguments***

26. Applicant's arguments filed 12/31/2008 have been fully considered but they are moot. The Applicant states that Lemay fails to teach enabling output of information in one frame without having to refresh the web browser window in its entirety (pages 13-15). The Examiner disagrees, since as shown above a new section in Lemay teaches selective and individual update of information in a browser without having to refresh the entire browser window.

***Conclusion***

- I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Stewart. (Pat. # 5,715,453 A ).
- II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be

Art Unit: 2178

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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3/17/2009